IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.10888 of 2005

Between:

D. Jogi Reddy, S/o. D. Krishna Reddy, 45 years,
R/o. 16-11-20/1/3, Saleem Nagar Colony, Malakpet, Hyderabad.

...PETITIONER

AND

1. Municipal Corporation of Hyderabad, rep.by its Commissioner, Lower Tank Bund Road, Hyderabad.
2. The Chief City Planner, Municipal Corporation of Hyderabad, Lower Tank Bund Road, Hyderabad.
3. The Assistant City Planner, Municipal Corporation of Hyderabad, Circle No.1, Charminar, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the Respondents in not receiving and not considering the Building application of the petitioners dated 26.04.2005 for approval of Residential Building Plan in House Plot Bearing No. House Plot bearing H.Nos.16-11-597/1/5 on Plot No. 3 in Survey NO. 282, admeasuring 400.0 Sq.yards equivalent to 332.0 Square meters situated at Gaddiannaram, Hyderabad and insisting a clearance certificate from the Urban Land Ceiling Authorities and TSLR/NOC from the Revenue Authorities as illegal, arbitrary, unjust and improper.

Counsel for the Petitioner: MR.B.NARAYANA REDDY

Counsel for the Respondents: MR.RAMA RAO GHANTA

The Court at the admission stage made the following:

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.10888 of 2005

ORDER:

This Writ Petition is filed by the petitioner seeking a declaration of the action of the respondents in not receiving and not considering the building application dated 26.04.2005 of the petitioner for approval of Residential Building Plan of House Plot bearing Nos.16-11-597/1/5 of Plot No.3 in Survey No.282, admeasuring 400.0 square yards equivalent to 332.0 square meters situated at Gaddiannaram in Hyderabad and insisting a clearance certificate from the Urban Land Ceiling Authorities and TSLR/NOC from the Revenue Authorities, as illegal and arbitrary.

The learned counsel for the petitioner submitted that the petitioner's paternal grand mother purchased the house plot mentioned in the above paragraph through Registered sale deed bearing No.968/1983 dated 10.01.1983. Thereafter she executed a will on 27.12.1998 in favour of the petitioner and since then the petitioner is in possession and enjoyment of the above mentioned property. The petitioner filed an application on 16.04.2005 for getting the land mutated in his favour and it was mutated by an order dated 25.04.2005. Thereafter, he submitted a building plan to the respondents on 26.04.2005 for approval and sanction of the plan. But to his

surprise, the authorities neither received nor accepted his application for the reasons that he had not filed the No Objection Certificate from the revenue authorities. Therefore, he is constrained to file this Writ Petition.

The learned standing counsel for the respondent-Corporation submitted on instructions that the petitioner has not at all submitted his application for consideration of the building plan.

Considering the facts and circumstances of the case, I deem it appropriate to dispose of the Writ Petition at the admission stage.

The Writ Petition is disposed of directing the petitioner to submit his building plan for approval of MCH as per the Bye-Law 4 (2) of the Municipal Corporation Building Bye-Laws, 1981 within two weeks from today. Thereafter, the respondents are directed to consider the building plan and pass appropriate orders within four weeks from the date of receipt of the application in accordance with law. No costs.

-

-

SD/- MOHD. IBRAHIM.

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Commissioner, Municipal Corporation of Hyderabad, Lower Tank Bund Road, Hyderabad.

2. The Chief City Planner, Municipal Corporation of Hyderabad, Lower Tank Bund Road, Hyderabad.

3. The Assistant City Planner, Municipal Corporation of Hyderabad, Circle No.1, Charminar, Hyderabad.

4. Two CD copies.

SSL

High Court

Dt.27/06/2005

ORDER

WP.NO.10888 OF 2005

DISPOSING THE WP.

SSL